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WISCONSIN STATE ASSEMBLY

SPECIAL COMMITTEE ON DIFFERENCES IN LAWS APPLICABLE TO CITIES AND VILLAGES, TO THE SENATE COMMITTEE ON ETHICS REFORM AND GOVERNMENT OPERATIONS

January 20, 2010

Chairman Risser and members of the committee, thank you for holding a public hearing on Assembly Bill 213 today. The study committee was asked to look at differences in laws that apply to cities and villages, apart from their inherent organizational differences, to determine if the differences make sense, and where they don't, to reconcile the differences.

Rather than dealing with every difference in city and village laws, the committee requested interested parties to point out those differences where legislation might be in order. As chair, I operated on a consensus basis, with two general principles in mind: (1) err on the side of giving more autonomy and flexibility to cities and villages; and (2) if there is not a valid policy reason to treat cities and villages differently, the difference should be reconciled.

Based on its review of discrepancies and inconsistencies that were brought to the committee's attention, the committee recommended harmonizing the laws that apply to cities and villages in a variety of areas.

Assembly Bill 213:

- Makes the establishment of compensation for city and village elective offices consistent by requiring compensation to be established before the earliest time for filing nomination papers.
- Makes the bidding procedure for village public construction contracts consistent with current city law.
- For consistency with current village law, provides that persons serving in city appointive office serve until their respective successors are appointed and qualify. (For both cities and villages, an ordinance is allowed to provide otherwise.)
- For consistency with city law, authorizes a village to alter the statutory requirement that the village president and clerk execute all contracts.
- Repeals officer-of-the peace status of village board members (to reflect the former repeal of police powers for city council members).
- Repeals the current directive that applies to city, but not village, clerks to annually publish as a Class 1 notice a statement showing fund receipts and disbursements for the preceding fiscal year.
- Extends the current authority of first-, second-, and third-class cities to regulate political signs larger than 11 square feet in area to include fourth-class cities and villages.
- Repeals the statute providing that counties and cities are strictly liable, subject to contributory negligence principles, for injuries to persons or property caused by a mob or a riot within their jurisdictions.

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- Consistent with law that currently applies to villages, authorizes cities to contract for police protection with a village, town, another city, or a county and to contract for fire protection with a village, town, or another city.
- Clarifies that the condemnation procedure currently available in cities for certain housing and urban renewal condemnations also applies to such condemnations in villages.
- Authorizes a first-class city, consistent with the authority of other classes of cities and villages, to use the bidder prequalification procedure for public contracts.

The study committee unanimously agreed to send this package to the Joint Legislative Council and the Council unanimously agreed to introduce the proposal. The Assembly Committee on Urban and Local Affairs unanimously recommended passage and the bill was passed by the Assembly on a voice vote. I urge this committee's favorable recommendation.

Finally, I want to thank members of the study committee for their work on this legislation. Committee members were uniformly diligent and efficient in their deliberations.

I'd be happy to answer any questions. Legislative Council staff to the Special Committee is here to assist me.



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To: Senate Committee on Ethics Reform and Government Operations
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: January 20, 2010
Re: AB 213, Differences in Laws Applicable to Cities and Villages

The League of Wisconsin Municipalities supports AB 213, harmonizing unnecessary and illogical differences between city and village law. The bill is the product of a Legislative Council Study Committee. The study committee topic was recommended by Rep. Mark Gottlieb after consulting with the League.

The study committee was directed to review laws relating to cities and villages, other than those relating to the fundamental organizational structure distinguishing cities and villages, and rectify any discrepancies and inconsistencies that exist for no apparent policy rationale.

Members of the committee included: former Ashwaubenon village president Jerry Menne, Sun Prairie administrator Patrick Cannon, Plover administrator Daniel Mahoney, Madison city attorney Mike May, and Menomonee Falls village attorney Mike Morse. I also served on the committee. Rep. Gottlieb chaired the committee. Sen. Plale served as vice-chair.

The committee recommended that AB 213 be drafted and introduced. The Assembly passed AB 213 on October 20th by voice vote. The bill does the following:

- Requires compensation for city and village elective offices to be established before the earliest time for filing nomination papers for the office (or, if nomination papers are not used for an elective village office, before the caucus date for that office). In so providing, the bill repeals current language regarding the establishment of salaries for elective city offices and appointive city offices with definite terms. Also, for consistency with law that applies to cities, the bill removes the requirement that the salary of a village president and village board member be an "annual" salary.

- Makes the bidding procedure for village public construction contracts consistent with the bidding procedure that applies to city public construction contracts. Currently, villages have the option to use the city procedure.

- Provides that persons serving in city appointive offices serve until their respective successors are appointed and qualify, for consistency with current village law. For both cities and villages, the bill allows an ordinance to provide otherwise.

- Authorizes, consistent with law that applies to city public construction contracts, a village by resolution or ordinance to alter the statutory requirement that the village president and clerk execute all contracts, conveyances, commissions, licenses, or other written instruments.

- Repeals officer-of-the-peace status of village board members for consistency with the former repeal of police powers for city council members.

- Repeals the current directive that applies to city clerks, but not village clerks, to annually publish as a Class 1 notice a statement showing the receipts and disbursements as to each fund during the preceding fiscal year.

- Extends the current authority of first, second, and third class cities to regulate political signs larger than 11 square feet in area to include fourth class cities and villages.

- Repeals the statute providing that counties and cities are strictly liable, subject to contributory negligence principles, for injuries to persons or property caused by a mob or riot within their respective jurisdictions.

- Consistent with law that applies to villages, expressly authorizes cities to contract for police protection with a village, town, another city, or a county and authorizes cities to contract for fire protection with a village, town, or another city.

- Clarifies that the condemnation procedure under s. 32.05, Stats., may be used for certain housing and urban renewal condemnation in villages, as well as in cities.

- Authorizes a first class city, consistent with the authority of other classes of cities and of villages, to use the bidder prequalification procedure for public contracts.

These changes make city and village law consistent where it makes sense to be consistent. The changes modernize Wisconsin law and will reduce confusion among municipal staff and elected officials. We urge you to recommend passage of AB 213. Thanks for considering our comments.

